

# SANTA FE WEEKLY GAZETTE.

"Independent in all things, Neutral in nothing."

JAMES L. COLLINS, PUBLISHER.

JOHN T. RUSSELL, EDITOR.

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## Indian Depredations.

Certain persons on the eastern frontier of the Territory being engaged in endeavoring to create a prejudice against the Superintendent of Indian Affairs, by circulating reports to the effect that he is negligent in the performance of his official duties, and that consequently the people suffer from the depredations of the savages, losses in stock and other property, which they otherwise would not, we propose to briefly examine into the case and see how far the men thus engaged are justified in pursuing the course they have pointed out for themselves in making their attacks upon that officer of the Government.

They charge that the regulations of the Indian Department not only require him to prevent the various tribes, which surround the Territory, from committing depredations upon the settlements, but also, that he should punish the Indians after they have stolen and carried away stock. Let us now see how this is. The section of the law which they quote, and which they claim imposes upon him these unreasonable and impracticable duties reads as follows:

"And be it further enacted, That it shall be the duty of the Superintendent of Indian Affairs to endeavor to prevent the commission of any crime, offense or misdemeanor, and all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize; and the President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes."

In the first place it will be observed that the law mentions the "Superintendents, agents and sub-agents" collectively and thus defines their duties. The agents and sub-agents are charged with the performance of the specified duties, equally with the Superintendent. Not before either or any of them can be required or reasonably expected "to prevent the commission of any crime, offense or misdemeanor" the crime itself must be established by proper evidence and the accused must be identified. Otherwise the officers of the Government can have no ground upon which to base their interference. It is not to be expected that they will believe every story that malicious persons may circulate in reference to Indian depredations, but if even this was to be demanded of them they most assuredly would not be required to go into the heart of the Indian country to seek out and identify the delinquents. The absurdity of such a procedure is so plain that it can scarcely be made plainer by argument or illustration. In New Mexico there are one Superintendent, five agents and one sub-agent. These are located in different parts of the country and must necessarily, in many instances, be far removed from the localities in which depredations are committed. By the time the information can, in these cases, be brought to them, the Indians will have fled with their booty and have it secreted in the fastnesses of the mountains in such a manner as to render the recovery of the booty or the detection of the robbers impossible to either the Superintendent or the agents. They are not authorized or permitted to raise a posse of citizens to go in pursuit of marauding Indians. Nothing of the kind is within the scope of their authority. They can only act as individuals in the discharge of their duties, and as individuals it is impossible to fill the measure of duties that has been prescribed for them by the persons who are engaged in the hue and cry against them.

The provisions of the Superintendent and agents is clearly expressed in the section of the law before quoted. If Indians commit offenses punishable by the courts, and legal proceedings have been initiated to bring them before the bar of Justice, then it becomes the duty of the officers just named to assist to the utmost of their ability in procuring the arrest of the delinquents and bringing them to trial. And here it is to be observed that no Judge or Alcalde in the Territory would issue process of arrest against an offender unless he were first identified and the charge made upon the oath of a responsible person. When measures of this nature shall have been commenced, the Superintendent and agents act as aids to officers appointed to execute the processes issued by the courts. They have, and can have, no direct power to be exercised in the case. The law specifies how they shall "endeavor to procure the arrest" of Indians accused of committing any crime. It says it shall be done "either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize."

How could the demand be made unless the offender be known? Or of what chiefs could the demand be made unless the tribe to which the robbers belonged were known?

In no one instance have these complaints taken upon themselves the trouble to present their cases to the Superintendent or agents in this form. Never have they given information as to the Indians engaged in the perpetration of the robberies and in a very large number of instances they have merely guessed at the particular tribe, or part of tribe, to which they belonged. In the latter regard they are from the entire of the circumstances

able to make mistakes and charge the offense to a band which is innocent of the crime. Their whole method of procedure is a random one and is better calculated to embarrass the officers in the performance of their duties than to assist in suppressing the wrongs committed by the Indians. Were a different course pursued as entirely different result would be accomplished. If the cases against the Indians were made up in a tangible form, the Superintendent and agents could act understandingly in the premises and often succeed in bringing the guilty Indians to punishment and in restoring to its owner stolen property.

We have had some experience in the Indian Department and know something of the manner in which its business is conducted. We speak by the book when we say that the officers engaged in that branch of the public service are as vigilant as it is possible for them to be, and that they do all they can, within their circumscribed sphere, to protect the people from the forays of the Indians. The greatest disasters which have befallen the country in late years have, in a measure, been brought about by the adoption of a course similar to that now insisted upon by the malcontents of whom we have made mention. A demand was made, in the dark, for the Navajo that killed the negro at Fort Defiance in 1858. The history of the case need not be repeated here. Its deplorable consequences have been felt from one extreme of the Territory to the other. The culprit was not known. A general demand was made for him upon the chiefs, who brought forward and executed an innocent native of New Mexico in place of the guilty Indian, and from that time forth we have had war, devastating war with the tribe, and the end is not yet.

It cannot be denied that the sufferings which our people endure at the hands of the Indians are unparalleled. That the reduced condition in which the whole country is found, is attributable to that cause and to that cause alone. If a remedy could be provided for the evil we know that no one would be more rejoiced at it than would the Superintendent of Indian Affairs; not even those who are engaged in a crusade against him because he faithfully discharges his duty to the Government. We are sure that if a protecting policy were to be adopted, and the execution of it intrusted to his care the Indians would have no cause to triumph at his leniency; nor would the citizens find fault on that account.

Is not true?—Mr. Stewart one of the contractors for the Independence mail arrived in this week's coach. To his energy we are, in a large degree, indebted for the promptness with which our people have been receiving their mails for the last eight months past.

Advices from Washington City tell us that Fort Craig has been retaken by Col. Canby. No detail of the particulars attending the recapture of the Fort accompany the account.

This piece of telegraphic news has no doubt been a subject of much interest to the people of the States but to us in New Mexico it is entirely devoid of interest for the very good reason that every person knows that Col. Canby has held Fort Craig all the time, and that there has never been even a probability that he would lose it. He holds Fort Craig, sure.

Old but interesting—By the last coach we received the Sacramento City Union, which contains an account of the battle of Bull Run; also the Denver News which has the announcement of the capture of Fort Fillmore below Santa Fe. Receipts of this kind are interesting because they serve to refresh the memory. The former was five months, and the latter nearly four in coming.

The News asks us to exchange. Well, neighbor, we have been exchanging with you all the time and have frequently wondered why it was that we have received nothing in return during the past four months. Probably the mail which carries our papers goes via Japan. The Union was doubtless in search of the North-West passage, although it was not out more than half the time Dr. Hays was.

Although the armada fitted out by England, France and Spain for the invasion of Mexico, should have arrived off Vera Cruz about the first of December, the papers from the States contain nothing in reference to its movements. The importance of this procedure on the part of three of the most powerful monarchies in Europe being so great, in its present and ultimate bearings upon the western continent, it is truly astonishing that the people of the United States have given it so little attention. In ordinary times a movement of this nature would not be passed with such indifference, and whilst it is true that the Government is not in an unfavorable condition to resist its consummation we could be desired, yet the long cherished Monroe doctrine should not be entirely lost sight of, and the Crowned Heads of the East permitted to have their own way on our continent.

There is much more under the surface of this scheme than is made apparent by the Treaty which is published on the first page of this issue of the Gazette.

No Texans—The scouting parties who went down the Pecos to see if there were any Texans marching up that stream into New Mexico have returned, and report, no Texans. Capt. Shaw's company we understand proceeded forty miles south of Bosque Bodonde.

Indian depredations continue to be the order of the day in our Territory. The Navajos are as hostile and savage as they have ever been and make their ruthless forays upon the settlements quite as frequently, if not more so, than they did before their recent professions of a desire for peace were made.

The volunteers who have been receiving military instructions in the city for the last three or four weeks have made rapid progress and some of the companies are quite proficient in the drill. In a short time they will be well prepared to take the field.

On Wednesday a company under the command of Capt. Dodd arrived from Colorado Territory. They are all said to be hardy mountaineers, and accustomed to that kind of life which fits men for being good soldiers.

Delivered Up.—There now seems to be no doubt but that Messrs. Mason and Shidell have been handed over to the British authorities upon a demand made by that Government. Not having seen the correspondence between the Secretary of State and Lord Lyons on the subject we can only state that we are informed that Mr. Seward has acted in the matter on the ground, that the arrests were made in violation of a well established American principle, that neutral vessels upon the seas are, in the eyes of national law, the same as the territory of the nation whose flag covers the vessel, and therefore that persons found thereupon are not liable to arrest except in cases specially provided for by treaty stipulations. Had the Government viewed the matter in this light at first it would have relieved the case of many disagreeable features.

Swear on Leave.—Lieut. Hessel has issued an order in which all persons are required to comply with the terms of Major Donaldson's former order declaring Martial Law, by the 20th inst., or leave the country.

Would you let his accounts be examined?—The committee appointed under a joint resolution of the Legislative Assembly to call upon Secretary Holmes and request from him a statement of the condition of the Legislative fund, reported the other day that the Secretary declined to comply with the request. This will have an injurious effect upon the little drafts he has put in circulation and add to the great discredit with which they have before been regarded. Had the Secretary acted differently and by an exhibition of his accounts shown that he actually had funds to his credit in New York in excess of the amount of the drafts he has made all doubt in reference to his financial affairs would have been removed and lost confidence would have been restored. Whether the want of confidence which has been exhibited in regard to these issues has been well founded or not, we are not prepared to say. But the mere fact that it has existed should, in itself, have made the Secretary not only willing but anxious to show the condition of his finances and thereby relieve the credit of that branch of the public service in which he is engaged from the suspicion which has been cast over it by his peculiar mode of transacting the business entrusted to his care.

Offensive Dec. 27.—A prisoner who escaped from the rebel camp at Hainesville, has Saturday reports that when the news that Genl. Pope's cavalry had driven in Genl. Baine's pickets at Johnston was received by Price's army the greatest confusion prevailed in the rebel camp. All the troops were mixed up in inextricable confusion, and many hours elapsed before anything like order was restored. The retreat of the whole army was commenced as soon afterwards as possible, and so fearful were they of pursuit that they burned bridges and placed every obstacle in the way of fancied pursuers. It is reported that one regiment was left on the Orange as a rear guard, and several small bodies are scattered through the country about Warrenburg collecting supplies. A cavalry force has been sent out in pursuit of them, but our horses are so worn and weary by other long forced marches that there is little prospect of capturing these rebel bands.

The last report from Price is that he passed through Springfield en route for Arkansas, and it is pretty certain he will not attempt to return this winter.

New York, Dec. 27.—A letter from Port Royal reports the occupation of Fenwick Island by our troops, and the extending of our lines to Edisto river, thirty five miles from Charleston.

Washington, Dec. 27.—The President has approved the bill providing for the appointment of three Commissioners from each State to visit the camps and receive and forward to the families of soldiers the latter's allotment of pay. Congressman Ely arrived here last night.

New York, Dec. 27.—A letter has been received from Archbishop Hughes, stating his health has been greatly improved by his voyage. News by the Arago confirms the report that Prince Napoleon has exercised an influence favorable to this country, since his return to France.

The London Times Paris correspondent states distinctly that the Emperor and his ministers have made up their minds to favor the Southern Confederacy even to the extent of recognizing it as an early day, but have so far been prevented from making their feelings known to the press and nation through the influence of Prince Napoleon. It is said he is preparing a speech for delivery in the French Senate taking a northern view of our internal troubles.

Washington, Dec. 26.—Mr. Stanton brother of V. P. Stanton, of Kansas, has been arrested for conspiracy with the rebellion in Tennessee. He has taken the oath of allegiance and been released from Fort Lafayette.

Letters here from Havre state that two rebel steamers, the Theodor and Isabel, were there. They were some days at Nassau Coling, by permission of Her Majesty's vessels, at the Government coal yard.

The same letter states that our vessels were not permitted to coal from their own ships at that point. Inquiry has been instituted to know whether such are the facts.

A copy of the Confederate News, published at Columbus, says there are five gun-boats there now awaiting the descent of the Union fleet. It also states that General Polk has nearly recovered from the injuries he received by the late bursting of the big gun.

## Evacuation of Galveston.

The Marshall Republican, of the 4th December makes the following statement about the position of affairs at Galveston.

The Houston Telegraph, of the 2nd inst., states that Galveston has been evacuated and the movable property, public and private, was being removed to Houston. Hon. W. P. Hill arrived at home a few days ago, from whom we gain substantially the following facts:

On the 20th inst., a council of war was held, at Galveston, at which it was determined that it was impossible to defend the city successfully. The largest guns at the fortifications upon the island were 32 pounders, smooth bore, having a range not exceeding two miles, while the enemy's guns were of the largest calibre, shooting with accuracy three or four miles. To await an attack was simply to invite the surrender or destruction of our troops and the city, without the power of inflicting injury upon the assailants. It was thought best, therefore, under all the circumstances, to evacuate Galveston, and occupy a position in the rear of the city, so as to repel any advance of the Federal troops after they had landed. In consequence of this determination, an order was issued for the removal of all the hospital patients from Galveston to Houston, which was accomplished immediately. All the public and private property was being rapidly removed to Houston, when Judge Hill left Galveston. The proprietor of the News had rented a house in Houston, and announced that his next issue would be printed in that city, and all the other newspaper establishments, it is supposed, have done the same. The guns have been removed from the different fortifications, and the troops have fallen back to the terminus of the railroad bridge on the island, and a still larger force stationed at Virginia Point, on the main land.

It seems that Gen. Herbert has been notified of a contemplated attack, but is not advised as to the point that may be first assailed. The enemy, instead of landing at Galveston, may select some other spot, and endeavor, by a circuitous route, to take possession of the railroad. In order to prevent surprises, and to repel any attack that may be made, measures have been adopted to watch the first approaches of the enemy, and to send the news rapidly to the interior, so as to concentrate a large force without delay. Victories have been stationed over Galveston Island, and lines of telegraph run in every direction, so as to guard the first approaches of the fleet. Troops have been stationed at Houston and other points to await orders and to be transported by railroad without a moment's delay, to any point where they may be required.

It would be imprudent in us to state the number of Confederate troops at Galveston, and at the necessary points in the interior. It is sufficient to say, that Gen. Herbert has issued an order for thirty companies more, and that, if the enemy effect a landing, all the available force in the State, with such arms as each individual can procure, will be required. In every county the militia should meet and drill, and every man that can possibly be ought to be ready to start without a single hour's delay.

Galveston Island is about thirty miles long, extending east and west, and from a mile to a mile and a half wide. The distance from the island across the bay by the railroad bridge to the main land, is within a fraction of two miles. With a sufficient number of guns of long range, the city could have been easily defended. Guns were stationed at the east end of the island at Bolivar Point and Pelican Spit Island, commanding the bay. The city is situated on the bay a mile or a mile and a half from the Gulf, thus giving our guns the advantage of that distance in range. Thus we are justified in the belief that the necessity which has driven off the inhabitants of the island city before an enemy is even in sight, is a blunder for which there is seemingly no excuse or palliation. The natural inquiry is, who is to blame?

## What is to be done with the Prisoners?

In a day or two we may expect some 1,000 prisoners of war, and the question is asked, what is to be done with them? They have all been taken in bearing arms against the Government, after frequent warnings, and the clemency which has hitherto been observed towards them has had no restraining influence upon them. Now they should be more sternly dealt with. The administration of an oath of allegiance, which is broken as soon as taken, ought no longer to be indulged in. Men have been discharged from military custody in St. Louis under like circumstances, and in a week's time they have been found with arms in their hands against the Government. This practice ought no longer to be continued. It may be difficult to find safe quarters for all the prisoners here, but if it cannot be done, the Alton penitentiary, abandoned for all State purposes, will be a very safe repository for a large portion of them. In Charleston and Richmond, the prisons are used for similar purposes, and no objection can lie against the use of the Alton penitentiary in this emergency.—[St. Louis Republican.]

The Montreal papers say that the military authorities have engaged the Grand Trunk work shops at Point St. Charles, for the purpose of rifling heavy ordnance, of which there is an immense number on St. Helen's Island, and at the other arsenals. They also understand that proposals have been made for Mr. Cantin's work shops for a similar purpose.

Letters from Havana under date of the 6th, state that two more Commissioners from the rebel government, in the persons of Messrs. Hunter, of Virginia, and Pierre Soule, of Louisiana, had arrived there, and were to start for Europe on board the British mail steamer Clyde, on the 7th inst., to fill the places of Mason and Shidell. The same letter which communicates this piece of startling information, adds: "The Confederate flag is in high favor here, and the Spanish ships-of-war salute it regularly."

The Light at present going on between the North and South in America.—Punch.

## ADVERTISEMENTS

HEAD QUARTERS DEPT. OF NEW MEXICO,  
Santa Fe N. M. January, 5 1862.

GENERAL ORDER  
No. 1.

1. That law is hereby declared in the District and City of Santa Fe. The military process of the Courts will not be suspended, with, and extreme will be prosecuted in its full execution.

2. All males over sixteen years of age, who have not taken the oath of allegiance to the United States, are required to do so forthwith, before the Hon. KIRBY HENRIK, Chief Justice of the Supreme Court, or such other judicial officer as may be designated.

3. The Commanding officer of the town of Santa Fe, and the Town Marshal, will be responsible that this order is carried into effect.

By order of Major Donatone.

GORDON CHAFFIN,  
Captain 1st Infantry,  
Acting Inspector General.

## HEAD QUARTERS DISTRICT OF SANTA FE, Santa Fe, December 30, 1861.

Special Order  
No. 1.

Ordered: That C. S. Swan, New Mexico Volunteer, is hereby appointed Provost Marshal of this District, he will be obeyed and respected accordingly.

By order of Major DONALDSON  
GORDON CHAFFIN,  
Captain 1st Infantry,  
Acting Inspector General.

n55 B.

## NEWSPAPER AND BOOK AGENT.

The undersigned is authorized to receive subscriptions for the principal newspapers, magazines and other periodicals published in New York, Boston, Philadelphia, Cincinnati, St. Louis and other large cities in the States.

It is also asked for the sale of works published by Messrs. D. Appleton & Co., Fowler & Wells, John S. Clark and John Wiley of New York, Little Brown & Co., Boston, and Messrs. Blanchard and Lill of Philadelphia. The latter being extensively engaged in the publication of medical works, Physicians in the Territory can, through this agency, procure whatever professional works they may desire.

Arrangements have been made by me with the Sage Company by which all books ordered through me will be brought in cases so with the greatest dispatch and at a moderate cost.

Orders are respectfully solicited, to which prompt attention will be given.

ANGUSTINE HUNT P. M.

## MAILS.

Thenceforth the mails departing from Santa Fe will be closed at the following hours:

Eastern mail at 6 o'clock every Monday morning.

Southern mail at 6 o'clock every Monday morning.

Two mail 6 o'clock.

Astoria mail at 6 o'clock every other Monday morning.

All letters intended for these mails should be deposited in the Post Office previous to the time above stated.

ANGUSTINE HUNT P. M.

n54 B.

## ADMINISTRATOR'S NOTICE.

URGENTLY in an order of the Hon. Probate court of the county of Santa Fe, bearing date the 23rd day of November, A. D. 1861, I will extend to public sale in the highest bidder for cash in hand as the four hundred and one acre of land in the county of Santa Fe, in the Territory of New Mexico, on the 23rd day of January, A. D. 1862, between the hours of ten o'clock in the forenoon and four in the afternoon of that day at the right title, claim and interest of the late William T. Smith deceased, and to the heirs of said late William T. Smith deceased, and to the heirs of said late William T. Smith deceased, lying partly in said county of Santa Fe and partly in the county of San Miguel and which was granted by Manuel Arango, Governor of New Mexico, on the 10th day of May, A. D. 1846, to Auguste D. Smith, John Smith, William Smith, Gregorio Trullie, James G. Smith and Francisco Romero, the title to which was approved by this Probate court of Santa Fe, New Mexico, and confirmed by an act of Congress of the United States, approved June 21st, 1860, said tract of land was granted for five leagues square the title interest to be undivided, and the interest of the late William T. Smith is one undivided seventh part of the said land.

W. CLAUDE JONES, Administrator.

Done, Nov 20th, 1861. n50 B.

## SALE OF REAL ESTATE.

BY virtue and authority of a decree of the honorable District Court for the county of Beruilla, Territory of New Mexico, rendered at the regular term of said court, the 12th day of January, 1862, in favor of the heirs of Auguste D. Smith deceased, against Auguste D. Smith deceased, and to the heirs of said late William T. Smith deceased, and to the heirs of said late William T. Smith deceased, lying partly in said county of Santa Fe and partly in the county of San Miguel and which was granted by Manuel Arango, Governor of New Mexico, on the 10th day of May, A. D. 1846, to Auguste D. Smith, John Smith, William Smith, Gregorio Trullie, James G. Smith and Francisco Romero, the title to which was approved by this Probate court of Santa Fe, New Mexico, and confirmed by an act of Congress of the United States, approved June 21st, 1860, said tract of land was granted for five leagues square the title interest to be undivided, and the interest of the late William T. Smith is one undivided seventh part of the said land.

W. CLAUDE JONES, Administrator.

Done, Nov 20th, 1861. n50 B.

## ADMINISTRATOR'S NOTICE.

Having received letters of Administration on the Estate of the late James Gilchrist deceased, from the honorable Probate Court of the County of Santa Fe, dated November 21st, 1861, I hereby give notice to all persons indebted to said estate to make immediate payment; and those having claims against said estate are requested to present them for adjustment before the said Probate Court.

J. ROUGHTON Administrator,  
Santa Fe, N. M., Nov. 23d 1861.—n50 B.

## HEZEKIAH S. JOHNSON,

ATTORNEY AND COUNSELLOR AT LAW.

ALBUQUERQUE, N. M.

WILL PRACTICE in the several Courts of the Territory, and transact all business promptly and efficiently all office business on a reasonable basis, or, as directed to him.

## BARRELL CLOTHING HOUSE.

HAMMERSLOUGH BROS., PROP'RS

Corner of Main and Third streets,  
Kansas City, Missouri.

Dealers in, and manufacturers of all kinds of  
Ready made Clothing  
Gents Furnishing Goods  
Boots and Shoes  
Hats and Caps,  
Trunks, Carpet Bags, &c., &c.

To which we invite the attention of the citizens of New Mexico, we are determined to sell you goods, lower to our cost by

25 PER CENT.

Less than any other store in Kansas City or Wagon, all we ask is a trial, and we will guarantee you will not go disappointed. Yours Respectfully,  
Mar 10.

HAMMERSLOUGH Bros.

## ATTENTION! ATTENTION!!

NOTICE.

TO ALL WHOM IT MAY CONCERN.

MY CLAIM AGENCY OFFICE and PRESENT BUSINESS, of procuring claims against the Government of the United States, is NOW CLERKED IN THE TERRITORY.

All business already placed in my hands, or the hands of J. N. Weller, Esq., which I have contracted to prosecute, and now pending before the Departments or the Congress of the United States, will be duly attended to.

I have NO PERSON OR AGENT authorized hereafter to use my name in any manner whatever in the PROSECUTION OF CLAIMS against the United States, otherwise, than in attending to business that I am now pledged to attend to, and such person persons will in all cases present authority from me to act as such agent, or agents.

Santa Fe N. M., January 1862.—J. P. ROYCE.

## LAW CARD.

J. HOWE WATTS,

(Formerly of Watts & Jackson)

ATTORNEY AND COUNSELLOR AT LAW.

April 20.—n50 B.

## WILLIAM MORRISON.

Manufacturer and Dealer in Tin Copper and Sheet Iron Ware, PARLOUR, COOKING AND HEATING STOVES, FOR COAL AND WOOD.

Japaned Ware, Hollow Ware, &c. We will duplicate any St. Louis Bill, Tin Plate Wire and Sheet Iron at small advance on St. Louis prices.

Main Street near the Lovers,  
Kansas City Mo.